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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARL BAKER,

Defendant.

3:23-CR-025-ART-CLB

Preliminary Order of Forfeiture

This Court finds Carl Baker pled guilty to Count Two of a Two-Count Criminal Indictment charging him with possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 26; Plea Agreement, ECF No. 27.

This Court finds this Preliminary Order of Forfeiture is conditionally approved in anticipation of the upcoming sentencing based on this Court's conditional acceptance of Defendant's guilty plea, and the Final Order of Forfeiture under Fed. R. Crim. P. 32.2(b)(4) and (c) will only be in full effect if this Court accepts the Defendant's guilty plea in full at the sentencing hearing. If this Court does not accept Defendant's plea in full, this Preliminary Order of Forfeiture is vacated.

This Court finds Carl Baker agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 26; Plea Agreement, ECF No. 27.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offense to which Carl Baker pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of 18 U.S.C. § 2252A(a)(5)(B) and (2) any property, real or personal, used or intended to be used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(5)(B) or any property traceable to such property and is subject to forfeiture under 18 U.S.C. § 2253(a)(1) and 2253(a)(3):

1. a Vizio TV – serial number LINID4MX430255;
 2. a Samsung TV – serial number 09LK3CRN931287F;
 3. a Samsung TV, serial number 07TH3CNM812074A;
 4. an ASUS ROG Desktop PC Hard drive (including RAM extraction) – model name G15DH;
 5. a black Surface Pro – serial number 011176531353;
 6. a black Western Digital Hard Drive – serial number WXM2E308E1F9; and
 7. a red Western Digital Hard Drive – serial number is illegible
- (all of which constitutes property).

This Court finds that on the government’s motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Carl Baker in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
 2 of America shall publish for at least thirty (30) consecutive days on the official internet
 3 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
 4 describe the forfeited property, state the times under the applicable statute when a petition
 5 contesting the forfeiture must be filed, and state the name and contact information for the
 6 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).
 7 Notice is served on any individual or entity on the date when it is placed in the mail,
 8 delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.
 9 32.2(b)(6)(D) and Supplemental Rule G(4)(b)(iii)-(v).

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
 11 or entity who claims an interest in the forfeited property must file a petition for a hearing to
 12 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C.
 13 § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under
 14 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
 15 petitioner's right, title, or interest in the property, the time and circumstances of the
 16 petitioner's acquisition of the right, title or interest in the property, any additional facts
 17 supporting the petitioner's claim, and the relief sought.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
 19 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
 20 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, within thirty (30) days
 21 of the final publication of notice on the official internet government forfeiture site,
 22 www.forfeiture.gov, or his receipt of written notice, whichever is earlier.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
 24 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
 25 Attorney's Office at the following address at the time of filing:

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1 Daniel D. Hollingsworth
2 Assistant United States Attorney
3 Misty L. Dante
4 Assistant United States Attorney
5 501 Las Vegas Boulevard South, Suite 1100
6 Las Vegas, Nevada 89101.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
8 described herein need not be published in the event a Declaration of Forfeiture is issued by
9 the appropriate agency following publication of notice of seizure and intent to
10 administratively forfeit the above-described property.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
12 copies of this Order to all counsel of record.

13 DATED March 5, 2024.

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15 ANNE R. TRAUM
16 UNITED STATES DISTRICT JUDGE
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